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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
RODANTE A. MIRANDA,)
)
Defendant.)

No. CR 08-0380 MHP

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING HEARING AND
EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT FROM
SEPTEMBER 8, 2008 TO SEPTEMBER
15, 2008

On August 25, 2008, the parties in this case appeared before the Court for a status conference for this case. At that time, the parties requested a change of plea hearing to be scheduled for September 8, 2008, at 10:00 a.m. Since that time, the parties have been in discussions and appear to be close to a resolution, however it is clear that the resolution will not be completed by September 8. It is anticipated that there will be a resolution by September 15. Therefore, the parties hereby jointly and respectfully request that the hearing previously scheduled for September 8, 2008 be continued to 10:00 a.m. on September 15, 2008.

The parties agree that granting the continuance is the reasonable time necessary for effective

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preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

9/5/2008
DATED: _____

/s/ Derek Owens

DEREK R. OWENS
Assistant United States Attorney

9/5/2008
DATED: _____

/s/ Geoffrey Hansen

GEOFFREY HANSEN
Attorney for Mr. Miranda

The change of plea and sentencing hearing previously scheduled for September 8, 2008 be continued to 10:00 a.m. on September 15, 2008, before the Honorable Marilyn Hall Patel. The Court also finds that an exclusion of time between September 8, 2008 through September 15, 2008 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: 9/9/2008 _____



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